United Nations S/2002/712

Security Council

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Bulgaria, France, Germany, Ireland, Italy, Norway, Russian Federation and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997, 1168 (1998) of 21 May 1998, 1174 (1998) of 15 June 1998, 1184 (1998) of 16 July 1998, 1247 (1999) of 18 June 1999, 1305 (2000) of 21 June 2000, 1357 (2001) of 21 June 2001, and 1396 (2002) of 5 March 2002,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the arrival in Bosnia and Herzegovina on 27 May 2002 of the new High Representative, looking forward to working closely with him, and emphasizing its full support for the High Representative's continued role,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (SFOR), the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the Commissioner and personnel of the International Police Task Force (IPTF), the Organization for Security and Cooperation in Europe (OSCE), and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Welcoming the decision by the Council of Europe inviting Bosnia and Herzegovina to become a member and *expressing* its understanding that Bosnia and Herzegovina will commit itself to make progress towards fully meeting the standards of a modern democracy as a multi-ethnic, multicultural and united society,

Welcoming recent progress in effecting the decision of the Constitutional Court and calling upon all to support swift implementation of constitutional amendments

in both entities of Bosnia and Herzegovina, which is critical to the establishment of stable democratic and multi-ethnic political and administrative institutions necessary for the implementation of the Peace Agreement,

Welcoming the positive steps of the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia towards fulfilling their continuing obligations as signatories of the Peace Agreement, strengthening their bilateral relations with Bosnia and Herzegovina and their increasing cooperation with all relevant international organizations in implementing the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Noting the reports of the High Representative, including his latest report of 13 May 2002 (S/2002/547),

Having considered the report of the Secretary-General of 5 June 2002 (S/2002/618) and *welcoming* the UNMIBH Mandate Implementation Plan,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President of 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Acting under Chapter VII of the Charter of the United Nations,

I

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex), *calls upon* the parties to comply strictly with their obligations under those Agreements, and *expresses* its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina, under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-

sustaining state, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that the High Representative is the final authority in theatre regarding the interpretation of Annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with Annex 1-A of the Peace Agreement;

7. *Reaffirms* its intention to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational stabilization force established in accordance with its resolution 1088 (1996), and *welcomes* their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the multinational stabilization force, set out in the declaration of the Ministerial meeting of the Peace Implementation Conference in Madrid on 16 December 1998 (S/1999/139, annex);

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to continue for a further planned period of 12 months the multinational stabilization force (SFOR) as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement, and *expresses* its intention to review the situation with a view to

extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for compliance with that Annex and shall be equally subject to such enforcement action by SFOR as may be necessary to ensure implementation of that Annex and the protection of SFOR, and *takes note* that the parties have consented to SFOR's taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of SFOR, either in defence of SFOR or to assist the force in carrying out its mission, and *recognizes* the right of the force to take all necessary measures to defend itself from attack or threat of attack;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures established by the Commander of SFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of SFOR to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on SFOR by Annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of SFOR and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in Appendix B to Annex 1-A of the Peace Agreement, and *reminds* the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

* * *

Reaffirming the legal basis in the Charter of the United Nations on which the IPTF was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of UNMIBH, which includes the IPTF, for an additional period terminating on 31 December 2002, and *also decides* that, during that period, the IPTF shall continue to be entrusted with the tasks set out in Annex 11 of the Peace Agreement, including the tasks referred to in the Conclusions of the London, Bonn, Luxembourg, Madrid and Brussels Conferences and agreed by the authorities in Bosnia and Herzegovina;

20. *Welcomes* the decision of the European Union (EU) to send a Police Mission (EUPM) to Bosnia and Herzegovina from 1 January 2003 as well as the close coordination between the European Union, UNMIBH and the High Representative to ensure a seamless transition and the invitation of the EU to non-EU member States to participate in the EUPM;

21. *Requests* the Secretary-General to keep the Council regularly informed and to report in six months on the implementation of the mandate of UNMIBH as a whole;

22. *Reiterates* that the successful implementation of the tasks of the IPTF rests on the quality, experience and professional skills of its personnel, and once again *urges* Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

23. *Reaffirms* the responsibility of the parties to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to, the IPTF on all relevant matters;

24. *Reiterates* its call upon all concerned to ensure the closest possible coordination between the High Representative, SFOR, UNMIBH and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of IPTF personnel;

25. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the IPTF, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

26. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

27. *Decides* to remain seized of the matter.